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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,461	04/27/2001	Sarah Bell	36-1430	8074
23117	7590	02/06/2006	EXAMINER	
NIXON & VANDERHYE, PC			PATEL, ASHOKKUMAR B	
901 NORTH GLEBE ROAD, 11TH FLOOR			ART UNIT	
ARLINGTON, VA 22203			PAPER NUMBER	

2154

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/830,461

Applicant(s)

BELL ET AL.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/27/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-13 are subject to examination.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

However, Examiner would like to thank the Applicant for pointing out the claim clarifications by stating, "More particularly, the amendments point out the fact that Applicants' invention is a three-stage process: (i) the base module is sent; (ii) the user requests one or more media modules (containing the stream address) and they are sent to him; (iii) the user accesses the media stream.", and "There is simply no disclosure of a first base module and plural media modules with stream addresses anywhere in Avaro."

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, and 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Shur et al. (hereinafter Shur) (US 6, 259, 701 B1).

**Referring to claim 1,**

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Shur teaches method of announcing a description of one or more of a plurality of media stream connections for a media session over a communication network, the method using a modular description system which is capable of providing a distributed announcement containing links available to a user to other portions of the announcement which have not yet been transmitted (Figs. 1, 2 and 3, col. 3, line 55-66), said method comprising:

generating a first base module having a first data structure comprising user oriented data relevant to said plurality of media stream connections of the media session; (col. 4, line 5-40)

generating a plurality of media modules each having a second data structure and comprising media oriented data necessary for a user to receive a respective media stream of said plurality of media stream connections of the media session, said data including a network address for the respective stream connection (col. 4, line 56 through col. 5, line 20);

providing links between the first base module and the media modules; (col. 4, line 57-61) and,

announcing the media session by making at least the first base module available to users who are potential recipients of the media session (col. 4, line 52-56),

wherein the link between the first base module and the media module permits a user to request at least one media module and wherein said method includes, upon request from a user for one of said linked media modules, sending the requested media

module to the requesting user. said user utilizing the stream address contained in said linked media module to subsequently receive the media stream. (col. 7, line 24-31).

**Referring to claim 2,**

Shur teaches a method according to claim 1, further comprising the steps of:

generating a second base module, the second base module containing user orientated data relating to a sub-session of the media session; linking the second base module to the first base module; and, linking said at least one media module to the second base module. (col. 7, line 24-31)

**Referring to claims 3 and 4,**

Shur teaches a method according to claim 1, further comprising the steps of: generating at least one options module having a third data structure comprising data relating to service level criteria required to participate in the media session; and, linking each options module to a respective base module., and a method according to claim 3 in which the data contained in the options module relates to a quality of service policy to be used by the media session or a part thereof . (col. 7, line 33-67).

**Referring to claim 7,**

Shur teaches a method according to claim 1, wherein one or more media module(s) comprise data necessary for a user to receive a layered media stream of a respective media session; and said method further comprises the step of linking each media module to one or more respective options module(s) containing data relating to a layered mechanism of the respective layered media stream necessary for a party to participate in the layered media stream.(col. 7, line 31 through col. 8, line 1)

**Referring to claim 8,**

Shur teaches a method according to claim 1, in which the data contained in a media module includes data necessary for a user to receive or transmit data or both receive and transmit for inclusion in the media session. (col. 7, line 31 through col. 8, line 1)

**Referring to claim 9,**

Shur teaches a method according to claim 1, in which the media session is announced by transmitting all of the constituent modules of the session description. (col. 7, line 24-29)

**Referring to claim 10,**

Shur teaches a method according to claim 1, in which the media session is announced by transmitting only some of the constituent modules of the session description, with the remaining modules of the session description being subsequently accessible by a user using one or more links provided in the modules transmitted. (col. 7, line 24-29)

**Referring to claim 11,**

Shur teaches a method according to claim 10, in which the remaining modules of the session description are held on one or more servers and the one or more links to the remaining modules are in the form of URI pointers. (Fig. 2, element 201)

**Referring to claim 12,**

Shur teaches a method according to claim 1, in which modules of the session description contain links to modules which are generated subsequent to the announcement. (col. 4, line 57-64)

**Referring to claim 13,**

Claim 13 is a claim to a computer readable storage medium containing data defining the elements of the method steps of claim 1. Therefore claim 13 is rejected for the reasons set forth for claim 1.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shur et al. (hereinafter Shur) (US 6, 259, 701 B1) in view of Kumar (US 6, 163, 531)

**Referring to claims 5 and 6,**

Keeping in mind the teachings of Shur as stated above, Shur specifically fails to teach the data contained in the options module relates to a security system to be used by the media session or a part thereof. and, in which the data contained in the options module relates to a charging system to be used by the media session or a part thereof . Kumar teaches the SDP announcement which includes " the following information: (1) conference identification; (2) conference start and stop times; (3) mode of each RTP and data sessions, which include the media type (video, audio, data, etc.), the coder (G.723.1, H.263, etc.), etc.; (4) information on how to register and obtain an encryption key(s), algorithm(s) addresses, and ports for each RTP session; (5) a web site uniform resource locator ("URL") to provide more information on the conference, such as slides

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for downloading, documents, payment method, etc.; (6) address of the capability negotiation server; and, (7) a MC address to provide a back-channel to the RTP receiver terminals." (col.7, lines 19-30). Kumar teaches "where a conference is pre-announced with sufficient information to enable discovery and participation. In one embodiment, an Internet Engineering Task Force ("IETF") Session Description Protocol ("SDP") is used to encode the conference announcement (see, e.g., FIG. 6). In particular, SDP defines how information is specified in a conference. However, any other mechanism may be used to carry the announcement such as by way of electronic mail ("SMTP"), the Internet (HyperText Transfer Protocol, "HTTP"), and Session Announcement Protocol ("SAP"). Participation in the conference may be limited for security, registration, and/or monetary purposes (e.g., a college class). In such a case, the public announcement will typically contain information on how to register and obtain a private announcement with encryption key(s), algorithm(s), and any other private information (see, e.g., FIGS. 7 and 8). (col. 5, lines 28-44, Figs.7, 8 and 9). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Shur to include options (modules) incorporating the teachings of Kumar such that the participation in the conference can be limited for security and monetary purposes as explicitly taught by Kumar.

### ***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are



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applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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